

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
AUGUST 4, 2010
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Chuck Stewart, Pastor Calvary Chapel of Yuma, gave the invocation. **Brooks-Gurrola** led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Police Chief, Jerry Geier
Principal Planner, Bob Blevins
City Attorney, Steven W. Moore
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Krieger made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS

- **Geier** officially promoted Lekan to Deputy Police Chief.
- **Wilkinson** recognized Arnold Montijo as the 1st City of Yuma Employee of the Quarter.

I. CALL TO THE PUBLIC

Pastor Chuck Stewart, 1330 S. 22nd Drive, complimented various City departments for their quick responses to various calls and their outstanding work. City staff is very helpful to those who have questions.

Don Werley, owner of Sundance Insurance, 2680 E. 24th Street, stated the business owners along 24th Street are concerned about the timeframe of the project and whether their businesses will survive two simultaneous projects in the same general vicinity. The business owners don't want the 24th Street project to proceed because of the negative impact it will have on their businesses.

Joely Beck, owner of Dream a Little Dream, 2573 E. 24th Street, stated her reason for speaking tonight is because the 24th Street project is slated to begin soon. Construction barriers alone will drive customers

away. The businesses on 24th Street need time to recover from the Avenue 3E project before another project starts. She urged the City Council to consider postponing the project for a few years.

Joshua Griffen, Tranquil Touch Massage and Body Works, 2573 E. 24th Street, Suite D, concurred with the last two speakers and urged the City Council to postpone the 24th Street project.

Neomi Schaffer, owner of 2589 E. 24th Street and 2615 E. 24th Street, stated the buildings contain a total of seven office spaces, five of which are rentals. When her businesses opened in April 2010, they did well; however, when the 3E project started, business came to a standstill. Although there are several factors that may contribute to a slow down in business, customers specifically stated it was difficult getting to the store due to the construction. Two business owners are contemplating taking their business elsewhere due to the construction.

Meme Kunkel, co-owner of Alliance Tattoo Lounge, 1450 S. 42nd Avenue, stated her business is a little different because the clientele book weeks in advance; however, the construction has affected the way her business is conducted. Small businesses work hard to do their part to boost the economy; however, these businesses may be forced to close their doors. If the shop owners can't pay their rent, the end result will be devastating.

Dacquel Ochoa, co-owner of Alliance Tattoo Lounge, 2589 E. 24th Street, testified to the impact the construction has had on her business. She urged the City Council to postpone the project to a more feasible time.

Gary Wright, 2240 Elks Lane, retired school teacher and elected official, stated that elected officials cannot compromise when it comes to the accountability to the public funds. The City Council made the right decision to stop funding YCAT. However, the community is entitled to a transportation system that is sustainable and practical. It is not good public relations for the YCAT director to cancel scheduled meetings. The taxpayers are entitled to disclosure and answers to their questions in a reasonable amount of time.

Fernando Molina, 4179 W. 4th Place, stated he is speaking on behalf of all those in Yuma who deserve YCAT service. It has been said that there is no money and the money is going to waste. Ask the students who depend on the bus to get to school, the hard-working citizens who have no other way of getting to work and the disabled if the service is a waste of money. The situation may be minuscule to the City of Yuma but could be the difference between life and death for some residents. Is that statement overdramatic; ask those who require dialysis every other day. People ride YCAT into Yuma from all over Yuma County to spend money. He urged the City Council to keep YCAT running; taxpayers deserve the services.

Linda Gravert, 721 E. 24th Street, stated that, due to being forced into early disability retirement, she has become dependent on YCAT services. Having multiple specialists and several medications, YCAT is essential to making appointments that would otherwise be missed.

Sandra Acosta, 3350 W. 8th Street, Space 3, stated that the public transportation system is a great service at an affordable rate. Because of this service, she can afford to visit family in the Yuma area. She urged the City Council to support YCAT for those who cannot afford taxis.

Virginia Lopez, 3350 W. 8th Street, Space 3, stated she is here for everyone, not just herself, to urge the City Council to continue funding YCAT and Dial-a-Ride services.

Raymond Hopkins, 9351 E. 28th Street, #228, stated that although he would hate to see the impact on the citizens of Yuma if the buses were to cease, he urged the City Council to not fund YCAT.

Terry Crabtree, 3600 S. Linda Lane, Pastor of the Community of Christ Church, stated he is speaking on behalf of the residents who live on a limited income and can't afford the cost of a car or car insurance. He spends \$800 a month on fuel to drive people to doctor appointments, grocery shopping and school. It was appalling to hear a public official state he wasn't worried about 2,000 riders. YCAT needs to be changed because currently it does not reach as many people as it could. He suggested the City work with business owner to encourage employee bus usage.

Chris Farrar, student at Arizona Western College, stated he is fearful that the public transit system will be shut down. Although transportation assistance is available through his pastor, the independence YCAT provides is preferable.

Luis Martinez, 106 E. 1st Street, noted the winter visitors are coming soon and they will be using YCAT. YCAT is a tremendous asset, but it will take years to rebuild, if it ceases to operate; Yuma needs public transportation.

Ellen McCluskey, 685 S 19th Avenue, stated her husband rides YCAT because he uses a wheelchair; YCAT accommodates his electric wheelchair and is accessible for all disabilities. YCAT needs to be reviewed, and the rates raised; it needs to continue running.

Matilda Rodriguez, asked the City Council to support funding for YCAT. Many people use the bus from all over to go shopping, work and the doctor. Many people cannot afford a taxi.

Shereen Khan-Guinn, 560 E. Palo Verde, stated she has been denied the right to an investigation for crimes committed against her. Contrary to what the City Attorney believes, an investigation has never been done. She has never seen the documents that are contained in the Yuma Police Department because they are illegal, damaging and pose a threat to the police department. A meeting with the Police Department to review the documents will be requested. She requested information outlining who has the authority over the Yuma Police Department.

Mayor Krieger responded to Khan-Guinn stating the Yuma City Charter is available to the public and outlines the responsibilities of the Mayor, City Council, City Administrator and City Attorney. In response to Crabtree, **Mayor Krieger** stated he never said he wasn't concerned about the people who ride YCAT; it is unfair to allege otherwise.

II. MOTION CONSENT AGENDA

Motion (Johnson/Mendoza): To withdraw item Motion Consent Agenda item B7 (Cooperative Purchase Agreement: Chevy Impala Police Vehicles) from the agenda. Voice vote: **approved** 7-0.

Motion (Beeson/Brooks-Gurrola): To adopt the Motion Consent Agenda with the exception of items B2 and B10, which were removed by McClendon for separate consideration. Voice vote: **approved 7-0.**

A. Approval of minutes of the following City Council meetings:

Regular Worksession	April 20, 2010
Special Council Meeting	May 4, 2010
Regular Worksession	May 4, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Removed for separate consideration; see below.
3. Approve a #12, Restaurant, New/Interim Permit Liquor License application submitted by Carl McClure, agent for Coco's Bakery & Restaurant, 2198 S. 4th Avenue, Yuma, Arizona. (LL10-13) (Admin/Clerk)
4. Approve a #10, Beer and Wine Store, New/Interim Permit Liquor License application submitted by James Robert Broxholme, agent for O.K. Market, 5800 E. Hwy. 80 (aka 32nd Street), Yuma, Arizona. (LL10-14) (Admin/Clerk)
5. Approve a #13, Domestic Farm Winery, New Liquor License application submitted by Fred G. Earle, agent for Earle's Custom Wines, Inc. dba Yuma's Main Squeeze, 251 S. Main Street, Yuma, Arizona. (LL10-15) (Admin/Clerk)
6. Authorize donation of Surplus Confined Spaces and Emergency Medical Expendable Supplies to San Luis Rio Colorado, Sonora Mexico Fire Department. (Bid #: 2011000043) (Fire/Professional Svcs)
7. Item withdrawn by motion; see above.
8. Award to the lowest responsive/responsible bidder for Physical Provider Services/Fire Personnel at an estimated annual cost of \$57,000.00 to Pinnacle Healthcare, Yuma, Arizona. (Bid #2010000436) (Fire)
9. Authorize the City Administrator to execute an agreement with the Yuma Crossing National Heritage Area Corporation (YCNHAC) for the operations of the Yuma Quartermaster Depot State Historic Park; to provide funding to support park operations in the amount of \$150,000.00 for Fiscal Year 2010-2011; and to provide performance standards for the YCNHAC. (Admin/YCNHA)
10. Removed for separate consideration; see below.

11. Approve agreement with Unit B and Bureau of Reclamation to transport City of Yuma water to the Aqua Viva Water Treatment Plant. (Utilities)
12. Authorize an amendment to Construction Manager At Risk (CMAR) Agreement for construction of the East Mesa Water Treatment Plant (Aqua Viva Water Treatment Plant) with J. R. Filanc Construction Company, Inc. (Filanc). (Eng)

Motion Consent Agenda Items Removed For Separate Consideration

B.10 City of Yuma Airplane Discussion and possible action on the location site for the City of Yuma's historical airplane. (Admin)

Speakers

Ray Williams, 1218 S. 8th Avenue, detailed the history of the City of Yuma airplane stating because of its history, the airplane belongs in City Hall to tell its story with dignity and beauty.

Perry Pensky, 707 W. 8th Street, detailed the history and purpose of the 1949 Endurance Flight; the intent of the flight was to draw attention to Yuma's perfect flying weather. There is no better place to display the airplane than the lobby of Yuma City Hall.

Discussion

McClendon stated that she appreciates the history of the City of Yuma but initially she felt the airplane didn't belong in the lobby of City Hall. Two weeks isn't sufficient time to find the airplane a more proper home. The simulated picture of the airplane in the lobby has provided a better visual of how the airplane will fit, which has lessened her opposition to using the lobby. The City Council and staff can work together to properly place the airplane in the lobby to satisfy everybody. Eventually the airplane could be moved to the Visitors Center, where it belongs.

Brooks-Gurrola stated she is in favor of the plane being displayed in a public place for all to view. After talking to others she concluded the lobby in City Hall is the most feasible option at this time.

Motion (McClendon/Mendoza): To allow the City of Yuma Airplane to be placed in the City Hall lobby. Roll call vote: **adopted** 7-0.

B.2 Special Event Liquor License: Humane Society of Yuma, Inc Approve a Special Event Liquor License application submitted by Cristyn Weil, on behalf of the Humane Society of Yuma, Inc. for the Fourth Annual Fur Ball. The fundraiser event will be held on Saturday, September 18, 2010, at the Arizona Western College 3C Building, 2020 S Ave. 8 E, from 6:00 p.m. to 1:00 a.m. (SP10-10) (Admin/Clerk)

Discussion

Mendoza stated Arizona Western College has a liquor license under Sodexo America, and has agreed to suspend its license. **Moore**: There can't be two liquor licensees in use at the same location simultaneously.

With AWC temporarily suspending its license, the Humane Society will be allowed to sell liquor under this Special Event Liquor License.

Mayor Krieger stated his voting records show consistent opposition to liquor being served on school grounds. AWC does not permit liquor in its dormitories. The previous City Council recommended denial of a permanent liquor license for AWC; however, a lack of communication prevented a City Council representative from being present at the Arizona Department of Liquor License and Control Board hearing of the case. Consequently, AWC was granted a liquor license. The overriding reason for recommending denial was because the community building was funded by taxpayer approved bonds and selling liquor at the facility was not the voters intent. Opposition to this Special Event Liquor License is not directed to the Humane Society; their fundraising efforts are important. The opposition is the location of the fundraiser on school grounds.

McClendon stated that she supports the Humane Society; however, her voting record in this regard has also been consistent.

Brooks-Gurrola disagreed. AWC currently possesses a liquor license, therefore, the special event shouldn't be denied.

Mendoza stated that he had originally voted against the application for Sodexo America; however, they have one now so there is no point in denying the Special Event Liquor License application. The fundraiser will not be held in the dorms; it is being held in the 3C building at AWC. There is a good separation between these buildings.

Motion (Johnson/Beeson): To approve the Special Event Liquor License: Humane Society of Yuma, Inc.

Johnson stated that he, too, voted against the Sodexo America liquor license application simply because AWC prohibits the possession or consumption of alcoholic beverages on school grounds. The student activity center is in the same building in which Sodexo America operates. The public was not informed that this facility would serve liquor; however, that is all past history. There is currently a liquor license at the facility, the licensee is suspending it to allow the non-profit organization to have a fundraiser and it is appropriate.

Cristyn Weil, applicant for the Humane Society of Yuma, Inc, 2269 S. Sky View Way, invited the City Council to attend the September 18, 2010 fundraiser. The intent of the black tie affair and the liquor license is to raise money for the new shelter. There will be plenty of security at the event to ensure the Humane Society complies with all the liquor regulations. Generally, AWC students cannot afford the purchase price of the tickets; therefore, they will not be participating. A legal agreement has been signed suspending Sodexo America's liquor license temporarily. The City Council's concerns are understandable; however, AWC should have forewarned her of their previous issues in obtaining the liquor license.

Roll call vote: **approved** 5-2; McClendon and Mayor Krieger voting nay.

III. RESOLUTION CONSENT AGENDA - none

IV. ADOPTION OF ORDINANCES CONSENT AGENDA - none

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2010-37

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 112 of the Yuma City Code relating to graffiti and accessibility to graffiti implements, and providing a penalty for violations thereof

(Police/Patrol)

Ordinance O2010-40

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the High Density Residential / Historic District Overlay (R-3/H) & General Commercial / Historic District Overlay (B-2/H) to the Medium Density Residential / Historic District Overlay (R-2/H) District and amending the zoning map to conform thereto

(Property located: 780 – 792 S. 2nd Avenue) (DCD/Planning)

VI. PUBLIC HEARINGS

Ordinance O2010-38: Rezoning of Property located at 1462 W. 8th Place, also known as 810 S. 14th Avenue from the Low Density Residential (R-1-6) District to the General Commercial (B-2) District. The applicants are Adolfo and Irma Enriquez Garcia. (Z2010-003) (DCD/Planning)

Mayor Krieger opened the public hearing at 6:48 p.m.

Speakers

Adolfo Enriquez Garcia, applicant, 1416 W. 8th Place, stated he gathered signatures from those in the area, as recommended by staff, and nobody opposed the rezoning except the competitive business. The applicants are willing to comply with the conditions in order to sell firewood.

Bonnie Santoyo, 1465 W 9th Street, expressed her concern with the traffic. Although it is a residential zone, cars oftentimes speed through the neighborhood. There have been several accidents at the intersection; the next accident may be fatal. If the property is rezoned to commercial, the traffic will increase.

Discussion

Blevins presented the following information:

- The property is located at 8th Place and 14th Avenue, south of 8th Street.
- The case began as a code compliance issue last year; the property has since been cleaned up and the applicants have applied to rezone the property to commercial.
- A commercial business is operating on residential property.

- The subject property is surrounded by General Commercial (B-2) zoning with Residential to the south.
- The Garcia's turned in a petition yesterday in support of the rezoning.

Johnson asked to review the photographs of the property; is the lot south of the subject property located at the corner of 8th Street and 14th Street? **Blevins**: Correct. **Johnson** noted that only three people signed the petition in opposition. Are they all related to the current firewood sales owner? **Blevins**: Yes, the Castillo's own the corner lot with the firewood and the lot right next door.

Stuart: Staff will require the Garcia's to construct a decorative masonry fence around their lot where the firewood will be sold. The Castillo lot will not require a fence because it has been grandfathered in, correct? **Blevins**: Correct. **Stuart** asked if any citations have been issued to the northern (Castillo) lot. **Blevins** stated he didn't have that information available, but would research and get back to Councilmember Stuart.

Mendoza stated the City Council addressed a traffic signal at 8th Street and 14th Avenue recently. **Stuart** asked if the applicants are aware of the wall requirements and willing to construct it. **Blevins**: Yes.

Motion (Johnson/Mendoza): To close the Public Hearing.

Bushong displayed the following titles:

Ordinance O2010-38

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Low Density Residential (R-1-6) District to the General Commercial (B-2) District and amending the zoning map to conform thereto

(Applicants: Adolfo and Irma Enriquez Garcia; property located: 1462 W. 8th Place aka 810 S. 14th Avenue)
(DCD/Planning)

Discussion

McClendon stated that it is not her intent to take away business; there are plenty of competitive examples throughout the City. The City Council understands the frustrations of those involved; however service is important.

Johnson asked if the ordinance is only being introduced tonight. **Bushong**: Yes.

Voice vote: **adopted** 7-0; Public Hearing closed at 7:02 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Mendoza/McClendon): To appoint David Psolka to the Clean & Beautiful Commission with a term to expire August 4, 2013. Voice vote: **adopted** 7-0.

Johnson reported on an upcoming transportation meeting.

Mendoza reported on attending the ribbon cutting and dedication of the Winsor Park basketball court.

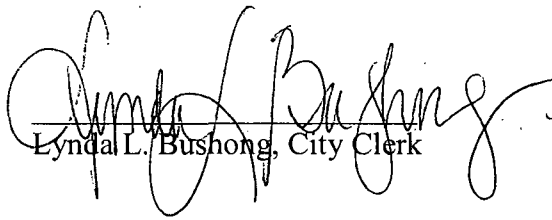
Motion (Beeson/Mendoza): To place on a future agenda, the reconsideration of funding for Yuma County Area Transit (YCAT). Roll call vote: **adopted** 4-3; Brooks-Gurrola, Johnson and Mayor Krieger voting nay.

VIII. SUMMARY OF CURRENT EVENTS

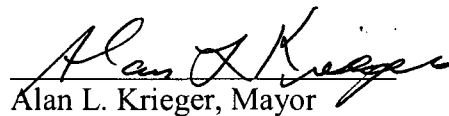
Wilkinson stated the new K-9 Unit was introduced this morning at the Yuma Police Department.

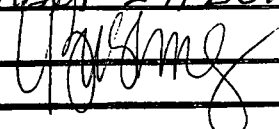
IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Krieger** adjourned the meeting at 7:07 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of: <u>September 29, 2010</u>
City Clerk: <u></u>